

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP – GADWAL - Mahabubnagar District – Makthal (Mandal) Mustipalli (Village) - O.P.No.450/1999 & 451/1999 - Sanction of decretal charges of **Rs.12,31,135/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 685

DATE:06.09.2008

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr. No.SRP4/878/08,dt:29.08.08
alongwith the letter of Spl.Collector, LA, Bheema Project, Mahabubnagar.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.450/1999 & 451/1999 pertaining to Mustipalli (V) Makthal (Mandal), Mahabubnagar District. The then SDC, LA, PJP, Gadwal had acquired the lands for an extent of Ac.3.25 gts situated in the limits of Kistampalli (V) Makthal (M) by fixing the market value @Rs.55-00 per sq.mtr along with structure value through Award No.02/1994, dt:26.02.1994 for the purpose of submergence. Aggrieved with the market value awarded by the LAO, the Awardees have filed petitions u/s 18 (1) of the L.A. Act for adjudication. The Sr.Civil Judge, Narayanpet had delivered judgments enhancing the market value 100% on the LAO awarded amount in O.P.No.450/1999 & batch (2) cases. Aggrieved with the market value enhanced by the Lower Court, the SDC, LA, PJP, Gadwal has filed appeal in the Hon'ble High Court of A.P against the orders of the Lower Court. The Hon'ble High Court has dismissed the appeal filed by the LAO/SDC, LA, PJP, Gadwal by confirming the judgments of Lower Court. The G.P for Appeals, High Court of A.P, Hyderabad has opined that to take action interms of 3375/2k. As verification of the records A.S.No.3375/2K was dismissed in Hon'ble Supreme Court of India vide CC No.3164-3445/2005 dt:08.04.2005. In the mean while, the claimants filed W.P before the Hon'ble H.C of A.P, Hyderabad. The Hon'ble High Court of A.P dismissed the W.P.No.27864/07, dt:07.12.07 with a direction that the detailed reasons recorded in the order dt:12.11.2007 passed in W.P.No.18841/07, wherein the said batch closed by recording the submission of Govt.Pleader for L.A that Govt.requires two months time to deposit the awarded amount to the credit of E.Ps. The stipulated time granted by the Hon'ble H.C of A.P, Hyd has been expired on 06.02.2008. Hence, the claimants filed Contempt case against the Govt.Officers in CC No.886/2008.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.12,31,135/- (Rupees Twelve lakhs thirty one thousand one hundred and thirty five only)** in respect of CC No.886/2008 against O.P.No.450/99 & 451/1999 pertaining to Mustipalli (Village) Makthal (Mandal) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of

(PTO)

restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The expenditure sanctioned in para (2) above shall be debitible to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (26) - Dams and Appurtenant works - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of re-appropriation.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.3960/F2(2)/2008-1, dated 05.09.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector, LA, Bheema Project, Mahabubnagar.

The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No. 22692/LA-III(A2)/2008.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER